

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MILAGROS FRANCO,

Plaintiff,

-against-

380 SECOND LLC and SMALL DOOR
GRAMERCY LLC,

Defendants.

22-cv-4011 (AS)

ORDER

ARUN SUBRAMANIAN, United States District Judge:

Based on the parties' Joint Proposed Pre-trial Order, Plaintiff intends to seek injunctive relief for her claims under the ADA and both injunctive relief and damages for her claims under New York state and local law. *See* ECF No. 172.

The ADA “does not provide for a jury trial,” *Phillips v. 180 Bklyn Livingston, LLC*, No. 17 Civ. 325 (BMC), 2017 WL 2178430, at *3 (E.D.N.Y. May 17, 2017), and Plaintiff’s ADA claim is equitable in nature and thus not subject to the Seventh Amendment’s guarantee of a jury trial “[i]n suits at common law.” U.S. Const. amend. VII. When there is no statutory or constitutional right to a jury, an issue is tried by the court, but Fed. R. Civ. P. 39(c) also states that “the court...may try any issue with an advisory jury” or “may, with the parties’ consent, try any issue by a jury whose verdict has the same effect as if a jury trial had been a matter of right.”

By **Friday, September 20, 2024 at 5:00 PM**, both parties should submit letters to the Court explaining their views on which aspects of the case should be tried by a jury, either as a matter of right or by consent.

SO ORDERED.

Dated: September 17, 2024
New York, New York



ARUN SUBRAMANIAN
United States District Judge